

2

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THE 5TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR.JUSTICE G.C.BHARUKA

WRIT PETITION NO.28608/96

BETWEEN:

Shri Yesaji More,
Ex-Serviceman,
r/a.Marihal,
Dist.Belgaum.

252 ✓
..PETITIONER

(By Sri Mallikarjuna S.Adigal, Adv.)

AND:

1. Union of India,
rep.by its Secretary,
Ministry of Defences,
Central Secretariat,
New Delhi.
2. Chief Controller of Defence
Accounts (CCDA) Pension
P.O.Allahabad (UP).
3. Sena Ayudha Corps
Abhilekh Karyalaya,
Army Ordnance Corps Records,
Trimugherry,
Secunderabad,
by Asst.Records Officer.

..RESPONDENTS

(By Smt.Shireen Zafrullah, Addl.CGSC)

This petition is filed under Articles 226 and 227 of the Constitution praying this Court to direct the authorities to reconsider the case to sanction disability pension to the petitioner, who is eligible for the same as per Army Rules 173-Appendix(b).

This petition coming on for final hearing this day, the Court made the following:

253

ORDER

The present writ petition has been filed to direct ^{the} respondents to consider the case of the petitioner regard sanction of disability pension which according to him he is entitled as per Army Rules 173 - Appendix-(b).

2. According to the petitioner he was enrolled on 2.11.93 as a Sepoy (Havaldar) and later on discharged on 19.12.1990 under Armed Rules after he had served for seven years one month and 18 days since he was found medically unfit for further service. Subsequently the petitioner filed representations for sanction of disability pension but the said representation was rejected by the second respondent under letter dated 3.12.1991 which was communicated to the petitioner by the third respondent under Annexure-C. The appeal preferred by the petitioner was also rejected by the first respondent under his letter dated 8.4.96 Annexure-F. The representations of the petitioner have been rejected by the respective authorities at Delhi, Allahabad and Secunderabad. Therefore no part of the cause of action had arisen within the territorial limits of this Court. Now it is well settled that only because the petitioner resides in the State of Karnataka or that he has sent a representation from here or that the communication regarding rejection thereof has been made to him within

3

254

the territorial **limits** of this Court cannot confer jurisdiction on this Court in terms of Article 226(2) of the Constitution of India. I have discussed in detail the jurisdictional aspects in this regard in W.P.No.25793/96 disposed of today by placing reliance on the cases reported in M/S.TRISHALA SHOES (PVT) LTD. -vs- UNION OF INDIA & ORS. [1991(1) K.L.J.294] and STATE OF RAJASTHAN & ORS. -vs- M/S.SWAIKA PROPERTIES & ANR.(AIR 1985 SC 1289)

3. Therefore the present writ petition is liable to be dismissed on the ground of lack of jurisdiction. It is accordingly dismissed.

Sd/-
JUDGE

sgs/

